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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 WILD HORSE EDUCATION, a non-profit
15 corporation; and LAURA LEIGH,
16 individually,
17 Plaintiffs,
v.

18 UNITED STATES DEPARTMENT OF
19 INTERIOR, BUREAU OF LAND
MANAGEMENT, and JON RABY, Nevada
20 State Director of the Bureau of Land
Management,

21 Defendants.

CASE NO. 3:23-cv-00372-LRH-CB

**PROPOSED PRELIMINARY
INJUNCTION ORDER**

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1. This matter came before the Court on Plaintiffs' Second Motion for Temporary
2 Restraining Order and Preliminary Injunction, with supporting declarations on _____,
3 2024, at ____:____ .m. Based on the pleadings, evidence, and oral argument, the court makes
4 the following findings and issues the following preliminary injunction order.

- 5 a. For the purposes of this Order, this Court has jurisdiction over the subject matter
6 of this action and over the parties. The subject matter of this action involves
7 alleged violations of the Wild and Free-Roaming Horses and Burros Act and
8 NEPA, as alleged in Plaintiffs' motion.
- 9 b. Plaintiffs are likely to succeed on the merits of the claim that Defendants have,
10 and continue to, engage in acts that violate Section 1333 of the Wild Free-
11 Roaming Horses and Burros Act and NEPA.
- 12 c. The balance of equities weighs in Plaintiffs' favor, as well as the public interest,
13 in being able to observe wild horses in the Triple B Complex, which necessarily
14 involves keeping the herd viable.
- 15 d. Plaintiffs have demonstrated a likelihood of immediate and irreparable harm if
16 Defendants are not restrained from the ongoing removal of wild horses from the
17 Triple B Complex in excess of that determined necessary for removal by the 2017
18 Environmental Assessment.
- 19 e. Weighing the equities and considering Plaintiffs' likelihood of success, the
20 issuance of this preliminary injunction order is in the public interest.

22 2. This preliminary injunction order is issued and effective on _____, 2024,
23 at ____:____ .m.
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1 IT IS THEREFORE ORDERED that Defendants, their agents, employees, and assigns
2 are enjoined and restrained from conducting any activities related to the gather and removal of
3 wild horses and burros from the Triple B Complex until Defendants (1) comply with the Wild &
4 Free Roaming Horses Act, 16 U.S.C. § 1333(b)(2) by making a determination that
5 overpopulation of horses exists in the Triple B Complex and removal of excess horses is
6 necessary and (2) comply with the National Environmental Policy Act by preparing the
7 appropriate environmental review under NEPA.

8 Date: _____

9 Hon. Miranda M. Du
10 CHIEF JUDGE,
11 UNITED STATES DISTRICT COURT

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